

AMENDMENTS TO THE DRAWINGS

Please replace the original sheet of drawings of Figs. 8A and 8B with the enclosed replacement sheet of formal drawings of Figs. 8A and 8B.

REMARKS

The non-final Office Action was issued on pending claims 1-14 of which claims 1-9 are under consideration and claims 10-14 were withdrawn from consideration. Claims 1-9 stand rejected. In this Response, claims 1, 4, 5, 7 and 9 have been amended, claims 2, 3 and 8 have been cancelled without prejudice and no claims have been added. Thus, claims 1, 4-7 and 9-14 are pending in the application, and claims 1, 4-7 and 9 are under consideration and claims 10-14 are withdrawn from consideration.

Applicants invite the Examiner to call Applicants' Representative to discuss any issues with this application.

Drawings

Fig. 8B has been amended. The amendment to Fig. 8B is the reference number 22b' has been moved from under the bracket for reference 2' to a different location. The enclosed replacement sheet of drawings of Figs. 8A and 8B is a formal drawing.

Specification

The specification has been amended to correct an inadvertent typographical error in the paragraph beginning at page 8, line 22. The same correction was made to the paragraph of the specification beginning at page 6, line 15 in the Preliminary Amendment submitted with the filing of this application.

Information Disclosure Statement

An Information Disclosure Statement is submitted with this response. Applicants request consideration of all of the references cited in the Information Disclosure Statement.

Claim Rejections – 35 USC §112

At pages 2 and 3 of the Office Action, claims 4 and 9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 9 have been amended to clarify the claims. As to claim 4, claim 4 has been amended to change “one or more engaging pieces” to read “engaging pieces.” Accordingly, claim 4 no longer calls for one engaging piece.

As to claim 9, claim 9 has been amended to change “the molding direction” to read “a molding direction.” Accordingly, there is no longer an antecedent basis issue.

Thus, Applicants submit that the §112, second paragraph, rejections should be withdrawn.

Claim Rejections – 35 USC §§ 102, 103

At pages 3 and 4 of the Office Action, claims 1, 2, 4-6, 8 and 9 were rejected under 35 U.S.C. §102(e) as being anticipated by Kurtz, Jr. et al. (US 6,996,880). At pages 4 and 5 of the Office Action, claims 1, 2, 4-6, 8 and 9 were rejected under 35 U.S.C. §102(e) as being anticipated by Armela et al. (US 2003/0106188). At page 5 of the Office Action, claims 1, 2, 4-6, 8 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by Provost (US 5,887,320). At pages 6 and 7 of the Office Action, claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Armela et al. At page 7 of the Office Action, claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kurtz Jr. et al. or Provost either one of which taken in view of Armela et al. At page 8 of the Office Action, claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kurtz Jr. et al. or Armela et al. either one of which taken in view of Clune (US 6,162,040). Applicants respectfully disagree.

As to Kurtz Jr. et al., Kurtz Jr. et al. is not prior art to the present application. Kurtz Jr. et al. has a §102(e) prior art date of April 1, 2003. Applicants submit the enclosed English language translation of the Japanese priority application no. 2002-261566. The enclosed translation includes a verification of the accuracy of the translation. Accordingly, Applicants are entitled to rely of the Japanese priority filing date of September 6, 2002. Applicants’ priority

date of September 6, 2002 predates the prior art date of April 1, 2003 for Kurtz Jr. et al. Therefore, all of the rejections based on Kurtz Jr. et al. should be withdrawn.

Claim 1 has been amended to clarify the claim. Amended claim 1 clarifies the structure of the pillar portion. Amended claim 1 also clarifies the structures of the first and second engaging portions of the engaging head. The text of amended claim 1 is paraphrased below with reference numbers inserted into the claim text. The reference numbers are for reference purposes to the disclosed examples of Applicants' invention and are not intended to limit the claims.

An example of Applicants' invention is shown in Figs. 3 and 4. The invention pertains to an integrally molded surface fastener 10 of synthetic resin in which a number of fine engaging elements 2, which engage/disengage a mating pile piece, are molded integrally on a surface of a flat base member 1. Each engaging element 2 comprises a pillar portion 21 having a predetermined height and an engaging head 22 composed of first and second engaging portions 22a, 22b, which extend from a top end of the pillar portion 21 along the surface of the base member 1 in a first direction (x) and in a second direction (y) different from the first direction. The first and second engaging portions 22a, 22b have different shapes.

The pillar portion 21 includes a first pillar portion 21a and a second pillar portion 21b which have a rectangular section and are formed integrally such that they intersect each other. The first engaging portion 22a has a flat wing-like thin plate shape extending in a long side direction of the first pillar portion 21a from a top end of the first pillar portion 21a.

The second engaging portion 22b has a hook shape extending in a long side direction of the second pillar portion 21b from a top end of the second pillar portion 21b.

There is a difference in distance between a distance from the surface of the base member 1 to the front end of the first engaging portion 22a and a distance to the front end of the second engaging portion 22b, and the second engaging 22b portion is formed in a lower height than the first engaging portion 22a.

Turning to Armela et al., the Office Action refers to Figs. 28 and 28A of Armela et al. Applicants respectfully submit Armela et al. does not have the structure of Applicants' claimed first and second engaging portions of the engaging head. Armela et al. does not have a first engaging portion having a flat wing-like thin plate shape extending in a long side direction of a first pillar portion from a top end of the first pillar portion. Armela et al. also does not have a

second engaging portion having a hook shape extending in a long side direction of a second pillar portion from a top end of the second pillar portion. Furthermore, Armela et al. does not provide a difference in distance between a distance from the surface of the base member to the front end of the first engaging portion and a distance to the front end of the second engaging portion. Even further, Armela et al. does not provide the second engaging portion being formed in a lower height than the first engaging portion.

Turning to Provost, the Office Action refers to Figs. 9 and 17 of Provost. Applicants respectfully submit Provost does not have the structure of Applicants' claimed first and second pillar portions and first and second engaging portions. Provost has a fastener member 10 having a stem 16. The Provost stem 16 does not have first and second pillar portions which have rectangular sections and are formed integrally such that they intersect each other. Rather, the Provost stem 16 is just a single portion stem.

Furthermore, Provost, for example Figs. 9 and 17, does not have both (1) a first engaging portion having a flat wing-like thin plate shape extending in a long side direction of a first pillar portion from a top end of the first pillar portion, and (2) a second engaging portion having a hook shape extending in a long side direction of the second pillar portion from a top end of the second pillar portion. Rather, Provost Figs. 9 and 17 have both the upper plate portion 72 and the hook on the same single stem 16.

Embodiments of Applicants' invention can provide advantages. Because of Applicants' claimed structure of the first and second pillar portions and the first and second engaging portions, the first and second engaging portions have different heights from the base member. This can be accomplished by the first engaging portion and the second engaging portion being molded by different molding means. As a result, because the first and second engaging portions have different heights, it is possible that the first and second engaging portions engage with piles also having different heights such that the engagement rate increases. However, in contrast to the present invention, Armela et al. and Provost do not disclose such features.

Therefore, claim 1 is allowable. The dependent claims are allowable at least for the same reasons that claim 1 is allowable.

As to the §103 rejections of claim 3, claim 3 has been cancelled. Therefore, the §103 rejections of claim 3 should be withdrawn.

Thus, Applicants submit that the §102 and §103 rejections should be withdrawn.

CONCLUSION

For the foregoing reasons, Applicants submit that the patent application is in condition for allowance and request a Notice of Allowance be issued.

Respectfully submitted,

EVEREST INTELLECTUAL PROPERTY LAW GROUP

Date: July 19, 2007

BY


Michael S. Leonard, Reg. No. 37,557
P.O. Box 708
Northbrook, IL 60065
Phone: (847) 272-3400